



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS,
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,525	07/13/2001	Barry Boone	003801.P017	3480

7590 12/14/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,525	BOONE ET AL.	
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 July 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-40 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *All attached*.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. *_____*.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figures 18D, 18E, and 18F as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

35 USC § 101

3. Pertaining to Claims 18-24, the Examiner interprets claim language to convey a practical application in the technological arts in light of the specification and preamble language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-12 and 18-36 are rejected under 35 USC 102(b) as being anticipated by Yahoo! (PTO-892, Item: V).**

Yahoo! teaches all the limitations of Claims 1-12 and 18-36. For example, Yahoo! discloses Yahoo! launching three new European auction services for Italy, Spain, and Sweden. Yahoo! further discloses:

- Performing a search to locate an offering having a specified offering characteristic; specified by the user: users browsing; multiple categories; (please note examiner's interpretation: user's searching) (V: see at least page 2).
- Determining an availability of the offering in particular geographic region associated with the user: users can easily browse, buy, view or sell (please note examiner's interpretation: item available if place for sell or user can buy it); specific geographic regions (V: see at least pages 1 and 2).
- Displaying information in a particular geographic region: central site www.yahoo.com displays auctions for particular geographic regions (e.g. Italy, Sweden) (V: see at least pages 1 and 2).
- Listing currency, languages; shipping region: global commerce site supports regions around the globe (please note examiner's interpretation: product purchased destined for a particular region is a shipping region); lists in local currencies, multiple languages (please note examiner's interpretation: user who speaks Italian accesses Italian site for native language) (V: see at least page 2).
- Parsing URLs: from single site URL (auctions.yahoo.com), users access one or more sites with unique URLs (it.auctions.yahoo.com; se.auctions.yahoo.com) (V: see at least page 2). The reference inherently

discloses the structure that permits the parsing to be performed. URLs are parsed to access network addresses within network domains.

- Generating a markup language document: web-based commerce site (please note examiner's interpretation: using one of several industry standard markup languages (e.g. HTML)) (V: see at least pages 1 and 2).
- Generating offering categories in a particular order: generates categories Arts & Entertainment, Toys & Games, Antiques & Collectibles, Electronics & Cameras (please note examiner's interpretation: displayed in a particular order) (V: see at least page 2).
- Means for determining and displaying: electronic commerce site connected to user over the Internet using the World Wide Web (www) (U: see pages 1-3). The reference inherently discloses network computer processing means providing generating means, determining means, and displaying means.

Pertaining to system Claims 25-36

Rejection of Claims 25-36 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Yahoo! (PTO-892, Item: V), in view of Pollick (PTO-892, Item: VV).

Yahoo! teaches all the above as noted under the 102(b) rejection and teaches transacting auctions globally via the Yahoo! electronic commerce site, but does not disclose fixed price transactions. Pollick teaches Yahoo! auctions and further teaches Zshops, a fixed-price alternative to auctions being implemented by Amazon as a customer service (VV: see at least page 5). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Yahoo! to implement fixed-pricing as a customer service as taught by Pollick, in order to provide an alternative to auction-based pricing, and thereby attract users desiring fixed-pricing as a customer service.

6. Claims 14-17 and 37-40 are rejected under 35 USC 103(a) as being unpatentable over Well Fargo (PTO-892, Item: U).

Wells Fargo teaches a multi-currency e-commerce storefront for commerce sites hosting one site or multiple sites (U: see at least page 2). Wells Fargo further teaches:

- Determining a listing currency of an offering that is presented for sale: price for each item is listed in the local currency rather than in U.S. dollars; displaying item purchase prices in native currency so that international customers no longer have to purchase a product in U.S. dollars (please note

examiner's interpretation: listing currency is determined in U.S. dollars). (U: see at least page 2).

- Converting the listing currency into a native currency: price for each item is listed in the local currency rather than in U.S. dollars; settlement with e-commerce site is in U.S. dollars based on the established exchange rate for that day (please note examiner's interpretation: listing is converted to local currency based on established exchange rate) (U: see at least page 2).
- Means for determining and displaying: The reference inherently discloses the structure that permits determining means, generating means, and displaying means; electronic commerce site connected to user over the Internet using the World Wide Web (V: see pages 1-3).
- Displaying the listing currency in conjunction with the native currency:

Wells Fargo teaches all the above as noted under the 103(a) rejection and teaches a) listing items for sale in native currency, b) applying an established exchange rate to perform conversions in US dollars to/from local currencies, and further teaches international customers no longer having to purchase a product in U.S. dollars (please note examiner's interpretation: once was listed in U.S. dollars), but does not disclose displaying the listing currency in conjunction with the native currency. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose displaying the listing currency in conjunction with the native currency, since it is well within the skill

to ascertain that once the native currency is displayed, retaining the displaying of the listing currency is merely a matter of business choice.

Pertaining to system Claims 37-40

Rejection of Claims 37-40 is based on the same rationale as noted above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Wilson, Tim; "Act Globally, Think Locally," InternetWeek, 15 November 1999, n789pg1, 4pgs, Proquest #46352181; teaches major US electronic commerce companies expanding into non-US countries; adopting multi-lingual technology; localizing content.
- Cooper et al.: "Playing Catch Up: U.S. Web Firms Get Slow Start in Europe, Amid Crowded Field -- Used to Being First and Best At Home, They Stumble in World's No. 2 Market -- Pouncing ... Delays" Wall Street Journal, 15 Nov 1999, 4pgs, Proquest #46338867; teaches eBay, Amazon, and America Online lagging; European sites offering language, currency specific to five countries.
- UU: "Subasta.com Enters Into Strategic Partnerships with From2.com," Business Wire, 16 July 1999, 2pgs, Proquest #43206061; teaches strategic partnership that bridges international commerce and shipping between countries.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Patent Examiner
December 11, 2004